

Received & Inspected

Federal Communications Commission  
Commission's Secretary  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

MAY - 2 2012

April 26, 2012

FCC Mail Room

Subject: Emergency Communications by Amateur Radio and Impediments to Amateur Radio Communications. GN Docket No. 12-91

I strongly urge the Commission to support legislation that will remove the impediments to Amateur Radio Communications, particularly the restrictions on the placement of antennas.

I will leave the bulk and details of the response to the "Importance of emergency Amateur Radio Service communications" to the Amateur Radio Relay League (ARRL). The ARRL can provide a more comprehensive and in-depth discussion on this topic. However, I will add the following for your consideration. I have not been able to actively support emergency communications due to the antenna restrictions imposed by the homeowners association (HOA) for the community in which I reside.

As a survivor of the 911 attack on the Pentagon (I was in the Pentagon on 911) the need for emergency communication was critical in that the majority of telephone communications were disrupted by the destruction of the facilities on the World Trade Center Towers. The communications circuits that were left were soon overwhelmed. It took me over 12 hours to reach my wife by phone that day to let her know I was safe. Amateur communications were critical during this disaster.

Further, I invite you to review a book titled "One Second After" by William R. Forstchen. In short it describes the impact to this country by an Atomic explosion that caused an Electromotive Pulse (EMP) that wiped out the computer systems in the U.S. There is also a study (Report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack, Critical National Infrastructures, April 2008) on the effect that this type of explosion will have on our country. This report was released by the government. Unfortunately the study was released on the same day as the 911 report and did not receive the attention it deserved. As you know there are few devices in this country that do not have some type of computer (micro processor) in them. Admittedly, much of the current Amateur Radio equipment depends on these devices. However, there are a significant number of Amateurs that have vintage Vacuum Tube technology radios which do not have microprocessors and will therefore survive and be available to support emergency communications. These vintage radios are not susceptible to the EMP. These Amateur Radio operators would form the backbone of communication for this country following such an attack. However, these operators will be significantly hampered if they do not have suitable antenna systems in place at the time of the attack to support them. Currently many, if not the majority, cannot have suitable antenna systems due to local ordinances and in particular Home Owner Association's overly restrictive antenna covenants. We cannot afford to wait for an emergency to erect these antennas as it will be too late. Further there will be no way to easily erect these antennas with the almost complete shutdown of this country. Finally,

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_

having served in the US Military for over 22 years, I do not believe we have enough military radios that have been "hardened" to withstand the EMP to support the military much less be available to the civilian emergency response organizations. In addition to these two extreme examples, there are other natural disasters such as hurricanes, tornadoes, etc. that Amateur Radio supports.

In response to "Impediments to enhanced Amateur Radio Service communications" I offer the following:

Homeowner Associations are by far the greatest impediment to the installation of amateur radio or nearly any type of antenna. The following is extracted from the "Harbor Ridge Homeowners' Association, Connelly Springs, North Carolina, Declaration of Restive Covenants of Harbor Ridge Subdivision. 15 April 1998."

#### Current Antenna Restriction

"18. No outside clotheslines shall be permitted. No satellite dishes shall be permitted unless concealed from view from all lots and open spaces. The design of such enclosures must be approved prior to erection by the Committee." Committee refers to the Harbor Ridge Home Owners Association Board of Director.

The Harbor Ridge Homeowners' Association proposed the following amendment to the Antenna Restriction (proposed by the Board of Directors and has not yet been approved by the HOA membership):

"The placement and location of all satellite dishes shall be by approval of the ARC (sic ARC refers to the Harbor Ridge Home Owners Association Architectural Review Committee). The ARC will make every effort to approve a placement and location that is in the best interests of the individual property owner and the community as a whole. The ARC may require shrubs or other means to best conceal the satellite dish from view."

Both the current and proposed restrictions do not comply with the Telecommunications Act of 1996 and Over-the-Air Reception Devices Rule (OTARD rule or rule) adopted by the Federal Communications Commission in October 1996. Please note that in Harbor Ridge there are only two alternatives to receive Television. They are satellite dish and external television antennas (there is no cable service in Harbor Ridge). The current and proposed restrictions not only limit Satellite Antenna placement but prohibit television as well as amateur radio antennas.

I proposed an amendment that eliminated the restrictions on antennas. However, the board of directors did not send this recommendation to the membership for their vote. It was rejected by four individuals (members of the board of directors) without any consideration of seeking membership input. My proposed amendment is below:

"No outside clotheslines shall be permitted. Mailboxes shall be of a design, color and choice of materials as designated by the Declarant or if the Declarant so designates, by the committee, and may not violate North Carolina Department of Transportation standards."

It is my understanding that the cable companies are responsible for getting antenna restrictions into the homeowner covenants. This was intended to force the residents to use cable. In this case one must consider that we lived with external Television antennas for many decades and they did not cause any issues. It was only with the advent of homeowner associations that antenna restrictions became the norm. It was a significant fight to get Telecommunications Act of 1996 passed and as I recall over the objection of the cable industry.

I really had no viable option to purchase property that was not in a homeowners association. The statistics provided below indicate that the majority of housing developments are controlled by Homeowner Associations.

"Today one in five U.S. homeowners is subject to the will of the homeowners' association, whose boards oversee 24.4 million homes. More than 80 percent of newly constructed homes in the US are in association communities." The preceding is from: Hickory Daily Record, Hickory, North Carolina July 17, 2011, "Neighbor vs. neighbor in hard times." (Pages 1B and 3B.) I am sure this came from a wire service, but the service was not identified.

Every HOA that I am aware of has restrictions that strictly prohibit exterior antennas to include amateur radio antennas (except satellite dishes). The current and proposed restrictions prohibit any consideration for the installation of Amateur Radio antennas. I tried my utmost to buy similar property outside of a homeowners association without success. I have tracked the HOA issues for many years and have an extensive file on their outrageous rules in addition to the antenna restrictions.

To purchase a lot like I have that is not in a homeowners association would require me to purchase the equivalent of a sub division. Obviously that is not a viable option for the majority of individuals to include Amateur Radio Operators.

I considered digging a shaft approximately 20-25 feet deep to install a crank up tower so that the antenna would be close to the ground and somewhat hidden in the wooded area of my lot. However, it was prohibitively expensive, would have required a pump to keep the water under control, and would have required a fence as a safety measure to keep anyone from falling in. It would have required extensive tree removal which would have made the antenna visible. Finally, if the antenna was discovered I would have been forced to remove it at my own expense.

My only alternative is to hide my antennas in the woods that are on my lot. However, I would be limited to a small vertical antenna, and two wire antennas (multi band dipole and G5RV) to support communications in the High Frequency (HF) range. None of these are suitable for reliable long range emergency communications. Further I live at the bottom of a hill, in a valley. Communications in the Very High Frequency (VHF) and Ultra High Frequency ranges are virtually impossible even with an attic mounted vertical antenna. Again this makes supporting emergency communications on the VHF and

UHF bands virtually impossible. If I am able to install the VHF/UHF antenna externally and it is discovered I will be forced to remove it at my own expense.

In regard to impediments to amateur radio antennas, the Harbor Ridge community is primarily composed of larger than normal densely wooded lots. The Antennas on many of the lots would not be highly visible (if at all) if they were permitted to be installed.

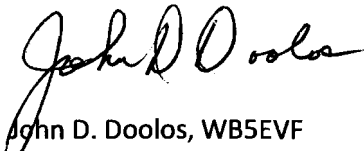
There are really no suitable locations such as commercial towers to install transmitters and antennas to be used remotely within a reasonable distance to the Harbor Ridge community.

A compromise solution to complete removal of homeowner antenna restrictions is to allow crank up or fold over towers that are in the down position except when in operation. Another compromise could be to allow antennas if they are not visible from the street.

Please contact me if you need any additional information.

In conclusion, based on the information provided above and that provided by the ARRL I strongly urge the Commission to support legislation that will remove the impediments to Amateur Radio Communications, particularly the restrictions on the placement of antennas.

Respectively,

A handwritten signature in black ink, appearing to read "John D. Doolos". The signature is fluid and cursive, with the first name "John" being more prominent.

John D. Doolos, WB5EVF

P.O. Box 372

Rutherford College, NC 28671

[jdoolos@yahoo.com](mailto:jdoolos@yahoo.com)